

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Appeal No. 12845, of Keefe Co., pursuant to Sections 8102 and 8206 of the Zoning Regulations, from the decision of the Zoning Administrator that the use of the fifth floor of the subject office building as an office for a consulting firm is not a use permitted under Paragraph 4101.35 of the Zoning Regulations in an SP District at the premises 1625 Massachusetts Avenue, N.W. (Square 181, Lot 134).

HEARING DATE: January 24, 1979  
DECISION DATE: February 28, 1979

FINDINGS OF FACT:

1. The subject property is located on the north side of Massachusetts Avenue between 16th and 17th Streets, N.W., and is known as 1625 Massachusetts Avenue, N.W. It is in an SP-2 District.
2. The subject SP office building was approved by the BZA Order No. 10238, dated December 1, 1970.
3. A Certificate of Occupancy No. B-87409, dated November 10, 1973 authorized part of the subject fifth floor to be used as offices for a non-profit organization.
4. The subject application was filed and advertised under Paragraph 4101.35 of the Zoning Regulations. The decision by the Zoning Administrator, dated September 18, 1978, was made based upon the provisions of Paragraph 4101.35. On October 5, 1978 the Zoning Regulations were changed and the subject proposed use would now be governed by Paragraph 4101.44 of the revised Zoning Regulations. Since the subject appeal from the decision of the Zoning Administrator was made prior to the actual enactment and/or the applicability of the revised Zoning Regulations, this subject appeal is governed by the old Zoning Regulations under Paragraph 4101.35 and not Paragraph 4101.44. The Board notes however, that as far as this appeal is concerned, there is no difference between the old regulations and the present regulations.
5. Under Paragraph 4101.35 an office for a "chancery, non-profit organization, labor union, an architect, dentist, doctor, engineer, lawyer or similar professional person" are uses which are permitted as a matter-of-right.

6. The appellant's application for a Certificate of Occupancy to use the subject fifth floor of the subject premises as an office for a consulting firm was disapproved by the Zoning Administrator on the grounds that the proposed use was not a use permitted under Paragraph 4101.35 of the Zoning Regulations.

7. The sole question for the Board to determine is whether the use of a consulting firm constitutes a "similar professional person" as alleged by the appellant.

8. The Board granted the motions of the Dupont Circle Citizens Association and Advisory Neighborhood Commission 2B to intervene in this appeal since the subject property is within the jurisdiction of both organizations.

9. The appellant, Keefe Co., is based in Washington, D.C., It is a governmental relations/public affairs consulting firm and a registered political lobby. This firm provides representation, research and advisory services to a large group of public and private as well as non-profit interests from both the U. S. and foreign nations regarding matters before federal agencies and congressional committees.

10. The Keefe Co., is essentially comprised of three principals and their seven administrative/secretarial support staff.

11. The appellant had been employed in the subject building by a non-profit organization located in the building, and also, for a time, while not employed by the non-profit organization had done work for them. It now proposes to rent space on its own and carry on the same functions for additional non-profit organizations. The Board finds that this does not constitute an office for a non-profit organization under the Zoning Regulations.

12. The appellant as a lobby, is registered with the Secretary of the Senate and the Clerk of the House pursuant to 2 U.S.C., Section 261-270. A lobby is required to report detailed accounts of various contributions and incomes and to provide specific information as to these sources. The appellant, as a public affairs consulting firm is not registered.

13. The Zoning Administrator testified that in determining what constitutes a "similar professional person," he reviewed the uses specifically cited and determined what characteristics were common to all of them. He cited three criteria for a professional to qualify: (1) ethical standards (2) professional licensing, and (3) professional education. As to ethical standards, the Zoning Administrator testified that the professional person must be

controlled by a code of ethics and principles of practice though a professional organization such as the American Institute of Architects, the American Medical Association, the Bar Association, etc. A professional person would be accountable for his or her actions to such an organization. As to the second criteria, professional licensing, all professionals listed in Paragraph 4101.35 of the Zoning Regulations are licensed accountable for any malpractice. The Zoning Administrator further testified that in his opinion lobbyists or public affairs consulting firms, regardless of their educational background, are not professionals within the meaning of the Zoning Regulations. They are not licensed nor are they controlled by a code of ethics through a professional organization. The Board so finds.

14. Advisory Neighborhood Commission 2B, testified that at its meeting of January 10, 1979, it voted unanimously to oppose the appellant. It urged the BZA to accept the criteria of the Zoning Administrator as to a "similar professional person" in the screening of applicants for the use of SP office buildings. It stated that if the definition of "similar professional person" was expanded to include other groups the stabilizing factors of the SP District would almost be eliminated in that residents would eventually be forced out of SP Districts to make room for office buildings for semi-professional or other uses. The Board concurs with the ANC as to the acceptance of the standards of professional persons as enunciated by the Zoning Administrator. It need not find the reasons for the fears of the destabilization of the SP District as dispositive of the subject "professional person" issue. The immediate concern of the ANC has been met.

15. The Dupont Circle Citizens Association opposed the appellant for the same reasons as stated by the ANC.

#### CONCLUSIONS OF LAW:

The Board concludes that the Zoning Administrator, in setting forth the criteria for similar professional persons to meet, has appropriately determined what characteristics are common to the professionals specifically listed.

Based on the record, the Board concludes that a public affairs consulting firm and a lobby do not meet the criteria of a professional person as enunciated and applied by the Zoning Administrator. While such activities may meet the educational standards, they do not meet the tests of ethical standards and professional licensing.

The Board concludes that it has given the great weight to the issues and concerns of the ANC as it is required by statute.

Accordingly, it is ORDERED that the appeal is DENIED and the DECISION of the Zoning Administrator is UPHELD.

VOTE: 4-0 (Theodore F. Mariani, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to DENY the Appeal and UPHELD the Zoning Administrator, Charles R. Norris, not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

21 MAR 1979